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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,790	11/02/2000	Yasuro Shobatake	199259US2SRD DIV	3509
22850	7590	01/12/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/703,790

Applicant(s)

SHOBATAKE, YASURO

Examiner

Steven HD Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claims 20, 22, 24-25 and 27, “a method by which the apparatus itself is controlled” is vague and indefinite because it is unclear what is the method that the apparatus performs for controlling itself. Please clarify, so the meter and boundary of the claim can be determined.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20, 22, 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Teece (USP 5537605).

Regarding claims 20, 22, 25 and 27, Teece discloses (Figs 1-11 and col. 2, lines 1 to col. 12, lines 33) a system and method for a plurality of information apparatuses (Fig 1), comprising

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acquiring function and index information associated with processes which can be executed on each of the information apparatuses connected to a network to transmit information among them (col. 9, lines 14-47, requesting for control structure “function index information” of the controllable devices), through said network, the function index information being stored in each of said plurality of information apparatuses through said network, the each of information apparatuses informing other of the information apparatuses of a method by which the apparatus itself is controlled and relating data held in said information apparatuses (col. 9, lines 14-47, Fig 3, Ref 54 is memory for storing the control structure information); presenting the acquired index information acquired and when given data and a given process are linked together on the basis of the index information presented in the step of presenting the index information, transmitting the given data from one of the information apparatuses which holds the given data to another of the information apparatuses which executes the process linked with the data through said network (Col. 9, lines 48-65 and col. 10, lines 41-64, a user can select a items on a menu for executing a function index information and related data on the controllable device, See col. 4, lines 60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teece in view of Fuhrmann (USP 5371553).

Regarding claims 24 and 29, However, Teece discloses (Figs 1-11 and col. 2, lines 1 to col. 12, lines 33) a system and method for a plurality of information apparatuses (Fig 1), comprising acquiring function and index information associated with processes which can be executed on each of the information apparatuses connected to a network to transmit information among them (col. 9, lines 14-47, requesting for control structure of the controllable devices “function index information”), through said network, the function index information being stored in each of said plurality of information apparatuses through said network the each of information apparatuses informing other of the information apparatuses of a method by which the apparatus itself is controlled and relating data held in said information apparatuses (col. 9, lines 14-47, Fig 3, Ref 54 is memory for storing the control structure information); presenting the acquired index information acquired and when given data and a given process are linked together on the basis of the index information presented in the step of presenting the index information, transmitting the given data from one of the information apparatuses which holds the given data to another of the information apparatuses which executes the process linked with the data through said network (Col. 9, lines 48-65 and col. 10, lines 41-64, a user can select a items on a menu for executing a function index information and related data on the controllable device on the controllable device, See col. 4, lines 60, the command is carried via a packet). Teece fails to disclose the information are carried in the payload of a fixed length message. In the same field of endeavor, Fuhrmann discloses the information apparatuses comprising a SAR for receiving and transmitting a fixed length packet via a network (Fig 27, 1034 for interface with VCR, TV).

Since, a method for segmenting a packet into a fixed length packet is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at

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the time of the invention was made to apply a SAR device into the information apparatuses for conveying the information between them as disclosed by Fuhrmann's system into Teece's system. The motivation would have been improve the throughput of the network.

7. Claims 21, 23, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teece in view of Kawamura (USP 5371553).

Regarding claims 21, 23, 26 and 28, Teece fails to disclose bit map and character. In the same field of endeavor, Kawamura discloses the step of presenting index information presents bitmap and character information included in the index information (Fig 19, Icon and text).

Since, Teece suggest a display for presenting a menu to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a bitmap and character for presenting a menu as disclosed by Kawamura's system into Teece's system. The motivation would have been to provide a customer with a friendly interface.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

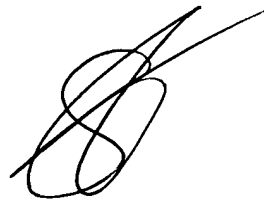
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a loop.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
1/6/05